

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q67282

Gerard AUVRAY, et al.

Appln. No.: 10/000,362

Group Art Unit: 2618

Confirmation No.: 9785

Examiner: Sujatha R. SHARMA

Filed: December 4, 2001

For: A SYSTEM FOR PROVIDING A MOBILE TELEPHONE SERVICE ON BOARD A VEHICLE

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

I. REAL PARTY IN INTEREST

The real party in interest is Alcatel Lucent

Appeal Brief Under 37 CFR § 41.37
USSN 10/000,362

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-14 are pending.

Claims 1-3, 5-7 and 9-14 are rejected under 35 USC 102(a) as anticipated by Lidbetter (EP 1079547).

Claims 4 and 8 are rejected under 35 USC 103(a) as unpatentable over Lidbetter in view of Horrer (USP 6,321,084).

Appeal Brief Under 37 CFR § 41.37
USSN 10/000,362

IV. STATUS OF AMENDMENTS

There were no amendments filed subsequent to the final Office action mailed May 3, 2007.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

As described at page 1 of the present application, the invention relates to a technique for connecting a call from a mobile telephone user on a vehicle to a mobile telephone user connected to a terrestrial network. Conventionally, when a user (e.g., USER 1, Fig. 1) onboard the vehicle V1 requests setting up a call to a terrestrial user (USER 2), the mobile telephone connection process requires first a connection request (1 in Fig. 2) of the user to the onboard equipment A₁ that handles calls, then a connection request (2 in Fig. 2) from the onboard equipment A₁ to the terrestrial equipment B, then setting up and activating (3 in Fig. 2) the connection between the equipments A₁ and B, and then connecting (4 in Fig. 2) the equipment unit B to the terrestrial user. The present invention seeks to reduce the connection time required to connect such a call, and the solution provided by the invention is to set up (E1 and E2 in Fig. 3) the connection between the equipments A₁ and B ahead of time, and then when a connection request (E3 in Fig. 3) is received, as described at lines 15-22 of page 4 of the specification, it is only necessary to (1) activate (E4 in Fig. 3) the A-B connection and (2) make a connection (E5 in Fig. 3) from the terrestrial equipment B to the called user.

With reference to the claims, Fig. 2 illustrates the prior art sequence of steps for setting up a call, Fig. 3 illustrates the inventive sequence of steps, and Fig. 1 illustrates a system in which the invention is embodied. The means for setting up the transport connection before receiving a call request and for then subsequently using the established transport connection, are the hardware and software portions of the equipments A and B in Fig1 which implement the steps in Fig. 3.

Appeal Brief Under 37 CFR § 41.37
USSN 10/000,362

With reference to method claim 5, the mobile telephone is shown at A₁ in Fig. 1 and USER 1 in Fig. 3, the setting up step is illustrated at E1 and E2 in Fig. 3, and the using step reads on the activation and connection steps E4 and E5 in Fig. 2.

With reference to the dependent claims, claims 2 and 6 recite that after the transport connection is set up ahead of time, it remains in a standby state until a call setup request is received. This is discussed at lines 15-17 of page 4. As described at lines 16-17 of page 4 and reflected in claims 13 and 14, the transport connection consumes substantially no power in the standby state.

Claims 3 and 7 describe the transport connection timing out and then being activated after a time delay. This is discussed at lines 21-22 of page 4.

Claims 9 and 11 describe that the transport connection can be used without further selection process when a call setup request is received. This reflects the discussion at page 4 and operation in Fig. 3 where the transport connection need only be activated.

Claims 10 and 12 describe that the transport connection is a connection for a single call, which is as illustrated in Fig. 3. Note that if the transport connection were some type of “reservation” of connection capability for multiple calls, then before the connection could be used it would be necessary to select some subset of the connection capacity for a given call. This is not the case in the present invention wherein it is only necessary to activate the connection from the standby state.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

1. Whether claims 1-3, 5-7 and 9-14 are anticipated by Lidbetter.
2. Whether claims 4 and 8 are unpatentable over Lidbetter in view of Horrer.

VII. ARGUMENT

1. Claims 1-3, 5-7 and 9-14 Are Not Anticipated by Lidbetter.

A. Claims 1 and 3 are Not Anticipated by Lidbetter

As described above and at page 1 of the present application, the invention relates to a technique for connecting a call from a mobile telephone user on a vehicle to a mobile telephone user connected to a terrestrial network. The streamlining achieved can be seen from a comparison of Figs. 2 and 3. Note that, after the call request in Fig. 3, the only steps that need to be performed are (1) the activation (E4) of the already-established connection between A₁ and B, and (2) the establishment (E5) of a connection between B and a user. The second step, i.e., establishment of a connection between B and the target user, is represented by step E5 in Fig. 3 and is (for purposes of this discussion) identical to the final step 4 in Fig. 2.

The first step in the process, i.e., activation of the already-established connection, is shown at E4 in Fig. 3 and corresponds to half of the connection and activation step of 3 in Fig. 2. Thus, after the call request is received, the present invention performs only half of step 3 in Fig. 2 and all of step 4 in Fig. 2, whereas in the prior art sequence of Fig. 2 it is necessary to perform all of steps 2, 3 and 4 after the call setup request was received. Avoiding all of step 2 and half of step 3 in Fig. 3 would represent a significant time savings.

.Lidbetter proposes an arrangement whereby a cell of a mobile radio system is onboard a ship. The cell is turned off when the ship comes within range of a fixed cell of a land-based mobile system, to prevent interference. When the onboard cell is operational, the base transceiver station (BTS) onboard the ship appears to the user to be like any other base station of

the cellular network, allowing for radio connections between the BTS and mobile terminals onboard the ship. The BTS itself is connected to the land-based network via a “tracking” satellite link between the BTS onboard the ship and a fixed satellite earth station connected to the land-based network. There is little detail given about the “tracking” satellite link in Lidbetter. It is clear from paragraph [0011] that there is some continuous aspect to it, but there is no discussion as to exactly what is continuous. More particularly, there is no description anywhere in Lidbetter of a user onboard the ship making a call and the ship not having to then place a call over the satellite link.

Paragraph [0017] describes the satellite tracking system as a conventional satellite telephone system. In such a system, it is ordinarily necessary to place a call and request a connection in order to have a connection. Paragraphs [0018] and [0020] suggest that the satellite link is used to update the VLR when a mobile user onboard the ship logs onto the network, so that the terrestrial network will know where to route calls. Paragraph [0011] describes the ship as being able to stay in contact with the satellite earth station throughout the duration of a voyage, but this is not inconsistent with simply being in a coverage zone for the duration of a voyage so that a call connection could be requested and set up between the ship and the satellite earth station whenever needed.

With respect to the anticipation rejection of claims 1 and 5, claims 1 and 5 call for the transport connection to be set up before a call is requested and then used immediately for a call as soon as the call is requested. According to the present invention, the claimed transport connection is the connection E2 in Fig. 3. This is the same as the connection 3 in Fig. 2, except

that it is set up ahead of time and it is not activated yet. So it is ready to use, except for activation which is immediate.

Lidbetter describes a tracking link, but it is not described as being maintained such that there is no need to request and establish a connection over that satellite link after a call has been requested. There is no indication that the setting up of the connection for the call is completed to the point that it simply needs to be turned on. It appears that the connection is available, but there is no description that it does not have to be set up or that it can be immediately used simply by activation.

Even if Lidbetter is read as disclosing a continuously connected satellite link, paragraph [0017] further describes that the satellite connection provides several voice channels and a signaling channel. If there are several channels over the satellite link, there will have to be some mechanism for requesting one of the available channels, selecting one, connecting it to the call, etc. Thus, Lidbetter does not have a connection that is all set up and simply at most needs to be activated as in the present invention.

For the above reasons, it is submitted that claims 1 and 5 are not anticipated by Lidbetter.

B. Claims 9-12 Are Not Anticipated by Lidbetter

In addition, claims 9-12 emphasize the distinction between the use of the transport connection in the present invention and the tracking satellite link in Lidbetter. Because the transport connection in the present invention is simply an advance setup of the connection that was set up for the single call illustrated in Fig. 3, the invention is able to eliminate the request

step (2) and at least part of the setting up step (3) in the prior art, as noted at lines 3-5 of page 3 of the present application.

In this context, a feature of the invention is that the transport connection can be used without further selection process, and this is not apparently the case in Lidbetter. Further, as a way of avoiding future connection steps after the call request is received, the present invention sets up a connection for a single call which needs only to be activated, which is clearly not the case in Lidbetter.

C. Claims 2 and 6 Are Not Anticipated by Lidbetter

With regard to claims 2 and 6, there is no discussion in Lidbetter of a standby state for the tracking satellite link. The link is either there or it is not, and if it is there it is active and consuming signaling resources. There is no suggestion of maintaining that connection “in a standby state” as is recited in claims 2 and 6. Thus, claims 2 and 6 are clearly not anticipated.

D. Claims 13 and 14 Are Not Anticipated by Lidbetter

Claims 13 and 14 depend from claims 2 and 6 and clarify that the standby state is one in which substantially no resources are consumed, which is clearly not the case in whatever “state” of Lidbetter the examiner reads as a “standby” state. The significance of the standby state is discussed at lines 15-17 of page 4 of the present application.

E. Claims 3 and 7 Are Not Anticipated by Lidbetter

Regarding claims 3 and 7, the present invention according to one aspect sets up the link in advance and then holds it for a time period. It then shuts down, but is then reactivated after a delay period. This is recited in claims 3 and 7 but is neither shown nor suggested in Lidbetter. The examiner has correctly noted that Lidbetter does not keep the satellite link up at all times but may shut it down, e.g., when in port. But this is not limiting the duration and reactivating after a delay period.

2. Claims 4 and 8 are Not Unpatentable over Lidbetter in View of Horrer.

Claims 2 and 8 patentably distinguish over the art of record due to their dependence on claims 1 and 5 which distinguish over the art for the reasons discussed above.

SUMMARY

For the above reasons, reversal of the examiner is respectfully requested.

Respectfully submitted,

/DJCushing/
David J. Cushing
Registration No. 28,703

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: May 6, 2008

CLAIMS APPENDIX

CLAIMS 1-14 ON APPEAL:

1. A system for providing a mobile telephone service on board a vehicle, said system being connected to a public land mobile network via a satellite and including means for setting up at least one transport connection between said vehicle and said public land mobile network before receiving a call request and for then using said transport connection for a call as soon as a request to set up a call is received.
2. The system claimed in claim 1 wherein said transport connection remains in a standby state after being set up until said request to set up a call is received.
3. The system claimed in claim 1 wherein the duration of said transport connection is limited and is automatically reactivated in accordance with a time-delay.
4. The system claimed in claim 1 wherein said vehicles are aircraft.

Appeal Brief Under 37 CFR § 41.37
USSN 10/000,362

5. A method for providing mobile telephone service on board a vehicle, wherein a mobile telephone is connected to a public land mobile network via a satellite, and wherein said method comprises:

setting up at least one transport connection between said mobile telephone and said public land mobile network before receiving a call request; and
using said transport connection for a call as soon as a request to set up a call is received.

6. The method claimed in claim 5, wherein said transport connection remains in a standby state if no requests to set up a call are pending.

7. The method claimed in claim 5, wherein the duration of said transport connection is limited and is automatically reactivated in accordance with a time-delay.

8. The method claimed in claim 5, wherein said vehicles are aircraft.

9. The system claimed in claim 1, wherein said transport connection can be used without further selection process when said request to set up a call is received.

10. The system claimed in claim 1, wherein said transport connection is a connection for a single call.

Appeal Brief Under 37 CFR § 41.37
USSN 10/000,362

11. The method claimed in claim 5, wherein said transport connection can be used without further selection process when said request to set up a call is received.

12. The method claimed in claim 1, wherein said transport connection is a connection for a single call.

13. The system claimed in claim 2, wherein said transport connection consumes substantially no resources in said standby state.

14. The method claimed in claim 6, wherein said transport connection consumes substantially no resources in said standby state.

EVIDENCE APPENDIX:

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

Appeal Brief Under 37 CFR § 41.37
USSN 10/000,362

RELATED PROCEEDINGS APPENDIX

There are no decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).